THE HON'BLE SRI JUSTICE C.V.RAMULU
W.P.NO.16834 OF 2002

ORDER:

This writ petition is filed seeking a mandamus declaring the order of the third respondent in his proceedings Rc.No.1274/2001/B, dated 11.12.2001 cancelling the authorization of the petitioner issued under A.P. Schedule Commodities (Regulation of Distribution of Card System) Order, 1973 as confirmed by the second respondent in his Order No.ACD.Dis.No.13/2002-S7 dated 27.03.2002 and by the first respondent in his Revision Case No.7/2002-S7, dated 21.08.2002, as illegal and arbitrary.

It appears that the petitioner was the fair price shop dealer of Pasumarru Village, Chilakaluripet Mandal, Guntur District. While so, his authorization was cancelled by an order dated 11.12.2001 of the third respondent on the following charge:

> "Being a responsible fair price shop dealer when 27 quintals of draught rice was allotted to your fair price shop for August month you have not supplied the same to the card holders and diverted the rice to the black market and your authorization condition APSCDL and D order 1982 Clause 8, 9 and 12 and 7(iii) of authorization regulations were violated and creating troubles to the supply of the fair price goods and hence you are hereby call upon to submit your explanation within 7 days from the date of receipt of the show cause notice or else orders will be passed basing on the record available with this office."

The petitioner submitted his explanation which reads as under:

> "That the MRO, Chilakaluripet has allotted 27 quintals of rice for August, 2001. I distributed the said rice by the end of August. In the aforesaid charge that I recorded the entries in the sales register without supplying draught rice to the card holders and that C.S.Deputy Tahsildar, Chilakaluripet when enquired card holders that I have not supplied the rice to them and he recommended to

take action on me and suspended my authorization. The contents of the report of the C.S. Deputy Tahsildar, Chilakaluripet are not correct. The MRO, Chilakaluripet orally informed that the draught rice can be distributed to any person up to the limit of 20 kgs each as per the Government instructions. Basing on the said instructions, the draught rice allotted to me was distributed at the rate of Rs.8.95 ps. Not only to the card-holders but also to any other villagers. Whoever brought cards I recorded the said card numbers in the sales register and distributed the rice. These are the real facts."

After perusal of the explanation, without furnishing any reasons, the Revenue Divisional Officer cancelled the authorization of the petitioner stating that the explanation submitted by the petitioner is not satisfactory. Aggrieved by the same, the petitioner carried the matter before the Joint Collector. The joint Collector however, dismissed the appeal on 27.03.2000 without conducting any further enquiry into the matter. Aggrieved thereby, the petitioner further carried the matter in revision before the District Collector, Guntur. The District Collector however on perusal of the records noticed further irregularities purported to have committed by the petitioner. However, no further enquiry was conducted or the petitioner was given any opportunity at that stage and ultimately dismissed the revision confirming the orders passed by the Joint Collector. Aggrieved by the same, the present writ petition is filed.

From a reading of the above charge, explanation submitted by the petitioner and the orders passed by the authorities, it is not clear as to on what basis the petitioner was held to be guilty of the charge and the authorization held by the petitioner was cancelled. Absolutely no oral or documentary evidence was let in or the enquiry purported to have been made by the Mandal Revenue

Officer was done in the presence of the petitioner and the petitioner was permitted to examine any of the witnesses. The entire report submitted by the MRO is behind the back of the petitioner. Further no reasons are furnished by any of these authorities as to how the charge levelled against the petitioner was proved except saying that the explanation offered by the petitioner was not satisfactory. In view of the above, I am of the opinion that the order passed by the Revenue Divisional Officer as confirmed by the Joint Collector and further confirmed by the Collector is in gross violation of principles of natural justice. Therefore, the same is liable to be quashed.

Accordingly, the Writ Petition is allowed quashing the impugned order. No order as to costs.

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11-12-2006

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